

MINUTES
Utah Solid and Hazardous Waste Control Board
Utah Department of Environmental Quality, Room 101
168 North 1950 West (Bldg. #2) SLC, Utah

April 12, 2007

Board Members Present: Craig Anderson (Chair), John Newman (Vice Chair), Michael Brehm, William Doucette, Gary Mossor, Dianne Nielson, Dennis Riding

Board Members Excused: Scott Bruce, Carlton Christensen, Kory Coleman, David Cunningham, Craig Forster, Kevin Murray

Staff Members Present: Scott Anderson, Raymond Wixom, Don Verbica, Ralph Bohn, Roy VanOs, Rusty Lundberg, Cheryl Prawl, Therron Blatter, Gary Astin, Rick Page, Kimberlee Sellers, Dale Marx

Others Present: Elizabeth Lowes, Clint Warby, Christopher Thomas, Walton Levi

I. Called to Order

Craig Anderson (Chair) called the meeting to order at 1:09 p.m. Scott Bruce, Carlton Christensen, Kory Coleman, David Cunningham, and Craig Forster were excused from the meeting.

II. Approval of minutes for the February 8, 2007 Board meeting. (Board Action Item)

William Doucette moved to approve the February 8, 2007 meeting minutes. The motion was seconded by Gary Mossor and **UNANIMOUSLY CARRIED.**

III. Underground Storage Tanks Update

Brad Johnson informed the Board members that at the end of this year's Legislative Session, a request was made by Representative Mike Noel to have a Legislative Audit completed on the Underground Storage Tank (UST) Program. A meeting was held in early March with auditors from the Office of the Legislative Auditor General to discuss the focus of the audit. The auditors identified the following issues:

- Should the Division of Environmental Response and Remediation (Division) administer the Petroleum Storage Tank (PST) Fund and regulate the industry? Concerns have been raised that having the same agency regulate the industry and be responsible for the funding that is used for cleanups may be a conflict.
- Should the PST Fund be privatized? Approximately two years ago, the Division discussed this issue at length with the Agriculture/Natural Resources/Environment Legislative Interim Committee, the Utah State Privatization Policy Board, and the Utah UST Advisory Task Force (UST Task Force). Based upon these discussions, it was concluded that it was not appropriate for the PST Fund to be privatized. This issue will be revisited during the audit.
- Whether or not alternative tank cleanup corrective action methods can be used to meet tank owners or operators financial responsibility requirements. This issue was included in the audit due to an UST Consultant developing a system that includes vapor monitoring with a built-in cleanup method. This consultant feels that this system should satisfy the financial responsibility requirement. A meeting to discuss this issue with the consultant and Legislators has been scheduled for the end of May. The Division feels that this system does not meet the requirement. Financial assurance requires a financial mechanism to ensure that leaks are properly remediated and is analogous to an insurance policy.
- Is the Division acting in an efficient, effective, and timely manner in auditing corrective actions?

It is anticipated that the auditors will finish the audit in June and will then issue a report based on their findings. It is also anticipated that the results of the audit will be presented to the Board in the July meeting.

Dennis Riding asked if it was fairly common for other states to have the same organization that governs their fund also administer their program. Mr. Johnson stated that it is fairly typical for others states to run their program in this fashion.

Mr. Riding then inquired if the Environmental Protection Agency dictates what mechanisms can be utilized to satisfy the financial responsibility requirement and if so, is there much latitude on what can be used. Mr. Johnson explained that the regulations include a list of allowable financial assurance mechanisms and if the State were to allow the system that is being proposed by the UST Consultant, it would require at least a rule change, and possibly a statutory change. Mr. Johnson then added that at this time, the cash balance for the PST Fund is continuing to increase, which is encouraging as the final rules regarding owners/operators having all of their tanks on/off the fund became effective January 1, 2007.

IV. Approval of 5-Year Notice of Review and Statement of Continuation of UST Rules R311-200 through R311-212 (Board Action Item)

Therron Blatter explained to the Board that Utah Law requires each state agency to review its rules every five years and determine if they are still necessary and applicable. The agency is also required to file a notice indicating if it intend stop, continue, amend, or repeal the rules. The agency must then provide an explanation of the various statutory provisions under which the rules are enacted and how the provisions authorize or require the rules, a summary of written comments that have been received over the last five years concerning each rule, and a justification for continuation of the rules. Information regarding the requirements previously stated about UST Rules R311-200 through R311-212 was provided in the Board packet. The Division is requesting approval from the Board for continuation of the UST Rules. If they are not approved, the rules will expire and become ineffective approximately July 4, 2007.

Mr. Riding asked about the need to amend the UST Rules due to the Federal Energy Policy Act of 2005 (Energy Act) and requested a status update on these rule changes. Mr. Blatter stated that before the Division can begin the rule making process regarding the Energy Act, a small change needs to be made to the statute, which will not occur until next year's Legislative Session. In the meantime, the Division is preparing letters to go out to all owners/operators to receive comments concerning the requirements for owner/operator training, secondary containment, and installer certification. Once those comments have been received, the Division will work with the UST Task Force in developing these new rules.

It was motioned by Dennis Riding and seconded by William Doucette, and UNANIMOUSLY CARRIED that the five-year Notice of Review and Statement of Continuation of the UST Rules R311-200 through R311-212 be approved.

V. Used Oil Section

A. Proposed Settlement Agreement between the Board and Metalworking Lubricants Company (Board Action Item)

Raymond Wixom, Attorney General's Office, discussed the Proposed Settlement Agreement (SA) No. 0511033 between the Board and Metalworking Lubricants Company (MLC). The company is a supplier of recycled, blended and virgin lubricants. MLC is currently permitted in Utah as a used oil transporter.

Findings documented during a compliant follow-up at Geneva Steel on July 20, 2005 and a follow-up meeting with representative of Geneva Steel, CST Environmental and MLC on August 15, 2005 led to the issuance of a NOTICE OF VIOLATION and ORDER FOR COMPLIANCE (NOV/CO), number 0508022, to MLC on August 29, 2005. The NOV/CO was issued in response to MLC transporting used oil without first obtaining a used oil permit from the Executive Secretary, which is a violation of R315-15-13.4(a) of the rules.

To resolve the NOV/CO, a proposed SA has been negotiated with MLC. Under the terms of the SA, MLC will pay a penalty of \$7,500 within 30 days of the effective date of the SA.

A 30-day public comment period began March 8, 2007 and ended on April 6, 2007. No comments were received. The Division recommends Board approval of the proposed SA.

William Doucette asked about the deduction of \$5,500 for litigation risk and requested clarification on this item as it has not been utilized in other worksheets. Mr. Wixom stated that MLC and its attorney had vigorous disagreements with the position of the Executive Secretary, Division staff, and Mr. Wixom. Mr. Wixom stated

that after months of exchanging data and information, it was determined that it was in the best interest of all parties to allow for the adjustment amount for litigation risk. Otherwise, the case would have had to go to court. Mr. Doucette asked if all parties agreed on the \$5,500 dollar amount, as no formula was given to indicate how the dollar amount was determined. Mr. Wixom stated that the Division utilizes the penalty policy to determine the litigated amount of risk amount and the amount determined is not negotiated with the facility. Michael Brehm asked for further clarification as it seems unusual that the violations were considered major, yet MLC completely disagreed with the assessment. Mr. Wixom stated that MLC believed that a significant portion of the material it transported was not used oil. However, the Executive Secretary determined that it was used oil. In addition, MLC felt that it should have been issued a permit sooner than it was, but the Executive Secretary did not agree. Mr. Brehm stated that it sounds like it was a disagreement over applicable, possibly explaining how one party could view it as no major harm. Mr. Wixom agreed. Craig Anderson questioned why this issue was presented as a Settlement Agreement opposed to a Stipulation and Consent Order. Mr. Wixom stated that in order to reach an agreement with MLC, its principle insisted that the Division modify the form and the Division determined it was reasonable to agree to do that.

John Newman asked if the affirmative vote of the simple majority of those present today would carry the issue or must it be a majority of all 13 Board members. Mr. Wixom stated that the Solid and Hazardous Waste act provides for seven Board members to meet the quorum requirements. A quorum is present today, therefore the Board can vote on this issue. All that is needed is a quorum to take act and four out of the seven needs to approve the motion.

Mr. Brehm asked if MLC would continue to do business in Utah or is this a one-time issue related to cleanup. Mr. Wixom stated he is not sure, as MLC is not a Utah Company, and historically has not done business in Utah. However, it has received permits and is in compliance with the regulations. MLC has renewed its permit and if MLC decides to transport used oil in Utah it can legally do so. Mr. Brehm asked if the issues are resolved between the two parties and whether MLC is prepared to agree that the material it transports in the future is regulated as used oil. Mr. Wixom stated Mr. Galli, MLC Attorney, was not at the Board meeting to address this issue. Mr. Wixom stated that however, this process has been challenging for MLC and it has indicated its desire to comply with Utah rules. Mr. Wixom stated that he does not believe that MLC will intentionally ignore Utah rules in the future.

It was moved by William Doucette and seconded by Michael Brehm and carried to approve the Proposed Settlement Agreement No. 0511033 between the Board and Metalworking Lubricants Company (MLC). John Newman opposed the motion.

B. Proposed Stipulation and Consent Order between the Board and Oil Re-refining Company, Inc. (Board Action Item)

Cheryl Prawl discussed the Proposed Stipulation and Consent Order (SCO) No. 0701002 between the Board and Oil Re-refining Co. (ORRCO). ORRCO has major operations in Portland, Oregon and has a small permitted used oil transporter and transfer facility located in Salt Lake City, Utah. ORRCO collects used oil from businesses throughout Utah and transports that used oil to its Salt Lake City facility, where it is stored in tanks before being transported to facilities in other states for processing and marketing. Findings documented during an inspection on August 2, 2006 led to the issuance of a Notice of Violation (NOV) number 0609034, to ORRO, on December 1, 2006. The NOV was in response to ORRCO's failure to record and maintain receiving signatures and EPA identification numbers of some of its used oil customers to which it transported used oil fuel.

To resolve the NOV, a proposed SCO has been negotiated with ORRCO. Under the terms of the proposed SCO, ORRCCO will pay a penalty of \$1,000.

A 30-day public comment period was held from March 5, 2007 through April 3, 2007. No comments were received. The Division recommends the Board approve the SCO.

Craig Anderson noted the violations related to signatures and EPA identification numbers and other information required on the manifests in order to track the material and asked if the problem has been resolved. Ms. Prawl stated the problem has been resolved.

It was clarified that the date of the Executive Secretary's signature on the NOV is the official date of the NOV. The Executive Secretary signed the NOV on December 1, 2006. However, the date on the cover page of the NOV is dated November 30, 2006.

It was motioned by William Doucette and seconded by Dennis Riding and UNANIMOUSLY CARRIED to approve the Proposed Stipulation and Consent Order No. 0701002 between the Board and Oil Re-Refining Company (ORRCO).

VI. Solid Waste Section

A. Proposed Stipulation and Consent Order between the Board and Utah Mini Ranches (Informational Item Only)

Ralph Bohn discussed the Proposed Stipulation and Consent Order (SCO) between the Board and Utah Mini Ranches. Frank J. Steed is the Registered Agent for Highland Development, Inc (HDI). HDI is the owner of the Utah Mini Ranches Subdivision located in Duchesne County. During November of 2004, HDI was found to be operating a landfill within the Utah Mini Ranches Subdivision in Duchesne County. On November 17, 2004, the Tri-County Health Department performed an inspection of the landfill and noted that household waste was commingled with construction/demolition waste. On November 22, 2004, the waste pile was observed to be burning. On December 6, 2004, DSHW personnel performed an inspection of the site. The ashes and debris of the landfill had been scraped and buried. It was also noted that there were several dead elk placed in an open pit.

A Notice of Violation and Order to Cease and Desist (No. 0501001) was sent to Mr. Steed on February 4, 2005. The final penalty negotiated for the resolution of the SCO is \$17,500, which includes a \$15,000 SEP, and \$2,500 cash payment. In addition, HDI has paid the Division of Air Quality a penalty payment in the amount of \$2,500.

This is an informational item only. Final action will be requested at the May Board meeting. The public comment period began on March 20, 2007 and will end on April 20, 2007.

Craig Anderson asked about the SEP. Mr. Bohn stated that HDI is creating an information brochure for contractors on how to handle demolition waste. William Doucette asked about the continuing status of the landfill, and whether HDI was planning to go through the permit process to continue operations. Mr. Bohn stated that the site has burned, and been cleaned up, so future operations are not contemplated.

Dianne Nielson questioned the timing of the settlement, as the violations occurred in 2004. Mr. Bohn stated that it took a long time to negotiate with the parties on this issue, spanning approximately six to eight months between responses, negotiations, etc. Ms. Nielson asked if HDI was timely in addressing the cleanup. Mr. Bohn stated that the landfill burned, so it was cleaned up. William Doucette asked if there was a mechanism that could be utilized to approve the proposed SEP. Mr. Bohn stated that the SEP requires Executive Secretary approval before the requirements of the SCO are deemed to be met.

Michael Brehm asked if the public was involved in the initial report to the county health. If so, it would be beneficial to inform the public that the issue has been resolved. Roy Van Os stated the Tri-County Health Department has been part of the process since the beginning and as part of the negotiations, it has been informed of the status of the landfill. Mr. Brehm asked if the landfill was in close proximity to residential areas. Mr. Van Os stated that the Highland Land Development Corporation is a land development corporation operating the Utah Mini Ranches, so the landfill was in proximity to the Utah Mini Ranches on the parcel of property within the boundaries of the Utah Mini Ranches. There are several individual plots, and residents are within a few thousand feet if not closer. Mr. Brehm asked if the residents are aware of what has taken place. Mr. Bohn stated that the residents are aware of what has occurred.

VII. Commercial/Federal Facilities Section

A. Proposed Stipulation and Consent Order between the Board and Tooele Army Depot (Informational Item Only)

Don Verbica presented proposed Stipulation and Consent (SCO) No. 0702008, to resolve Notice of Violation (NOV) No. 0611041, issued to the Tooele Army Depot on December 6, 2006. The NOV covered a period of inspections from October 2005 through September 2006. These inspections mainly focused on the incinerator and the hydrolysis unit. Violations included the following: drums at the incinerator were still smoldering and

actually on fire; the vent for the hydrolysis unit was dispersing droplets to the air and surroundings; improperly labeling and dating containers; open containers; failing to clean up spills of hazardous waste; and open containers not labeled and dated.

The violations have been resolved. The SCO includes a penalty of \$10,550. The public comment period began on March 29, 2007 and will end on April 30, 2007. This is an informational item only. A recommendation to the Board will be provided during the May Board meeting.

William Doucette asked for a description of the hydrolysis unit. Rick Page stated that this is a new process that Tooele Army Depot is currently developing and permitting. This process involves a 1,500-gallon tank with caustic designed to dissolve aluminum munition casings and react the explosives within. The tank has a vent with a fan to disperse the hydrogen gas from the reaction.

Mr. Doucette asked if people were actually exposed to the caustic droplets from the vent. Mr. Page said he and others were exposed. Mr. Doucette asked what has been done to resolve the issue. Mr. Page stated that the unit is currently not operating while a scrubber and other control devices are being designed. Once those items are designed and installed, it will be re-tested. Mr. Doucette asked if the droplets washed off easily. Mr. Page said yes, and since he had long sleeves on, it was not an issue.

Dianne Nielson noted that the Potential for Harm is listed as “moderate”, and yet there was actual harm and requested more information be presented on why it was rated “moderate” when actual harm occurred.

Mr. Verbica stated that worker exposure was not specifically considered under “potential for harm.” Mr. Page stated this penalty was for two violations, one for the fire and one for the release of caustic. Ms. Nielson also stated that, based on the description, it does not appear that it would be an acceptable work environment under OSHA.

Michael Brehm commented that “potential for harm” to the public only has typically been considered in the past. Mr. Brehm suggested that harm be looked at differently since an onsite exposure had occurred.

Mr. Verbica stated that this issue can be looked into again, but typically in the past the public health and safety as well as environmental harm are the areas that have been evaluated. Mr. Doucette asked what level of protective equipment was specified for the workers outside the area of exposure. Mr. Page stated that no respiratory protection was required for workers. Mr. Doucette stated that this may be an OSHA issue. Mr. Doucette asked if the information is shared with OSHA or other regulatory agencies. Mr. Verbica stated that it has been done in the past, but was not done on this instance.

Dennis Downs stated that if staff observes violations of other agencies’ regulations, normally those violations are reported to the appropriate agencies. Ms. Nielson requested that the Division provide the information to OSHA.

John Newman asked if the exposure caused loss of time on the job, caused anyone to seek medical advice and/or medical attention, and was there any violation of a regulation at the site that required a certain PPE. Mr. Page stated there was no lost time, there was no medical attention needed, and there was no particular type of PPE required. Mr. Newman stated that based on that, he does not feel that OSHA would be interested in this issue. Mr. Brehm also suggested that the staff consider reporting to OSHA. Mr. Downs stated that the information could be provided to OSHA, but there should not be any expectation that OSHA would respond back before this matter can be resolved. Mr. Verbica stated they will draft up a report and submit it to OSHA.

Board members agreed that they would like follow-up from staff on this. Mr. Downs requested the Board to clarify its intent regarding a reopening of penalty discussions. Mr. Brehm stated that the assessment of moderate potential for harm should be re-evaluated. Gary Mosser stated that he feels the classification of harm as “moderate” is consistent with the way it has been applied in the past and should not be retroactively changed. The additional factors brought out by the Board’s discussion should only be applied to future events. Mr. Doucette stated that he would view this as a recommendation to the staff, not a mandate.

It was determined that the staff will address the OSHA issue and reevaluate the potential for harm posed by the violation.

VIII. Chemical Demilitarization Section – TOCDF Update

Marty Gray stated that the Division recently received the final report for the mustard agent trial burn that had been conducted on the metal parts furnace. The liquid incinerator report has not been submitted. This report is very large, totaling over 10 volumes of data. This report will take considerable amount of time to review. In the past, the facility was required to continue processing at 75% of the demonstrated feed rate until the completion of the report. However, because the permit has been modified and because of the work with Air Quality and the adherence to the MACT requirements, the facility will be allowed to go to 100% of its processing rate as soon as it submits the Notice of Compliance (NOC) to Air Quality. The NOC addresses the final operating conditions. After the Division staff has had the opportunity to review the NOC, TOCDF will be authorized to go to 100% of the demonstrated feed rate. Even though the facility will be allowed to operate at 100%, the entire report will be reviewed by the Division staff and an update of the risk assessment will be done based on the results. Mr. Gray stated that the processing of the ton containers is successfully continuing and TOCDF expects to exceed 1,000-ton containers processed by the end of the week.

Michael Brehm asked if it is typical to allow a facility to go to 100% of its demonstrated feed rate without the Division's complete review of the report, and if something is discovered during the final review of the report, is there a mechanism to go back and shut them down and/or get the issues resolved. Mr. Gray stated the Division has the ability to go back and alter the operating conditions. Mr. Gray further stated that allowing a facility to go to 100% prior to final review is new to the Division. It is only because of the new Air Quality hazardous waste combustion regulations, which are somewhat duplicative that this decision was made to allow TOCDF to go to 100% prior to review of the final report. Mr. Gray stated that the Division is not overly concerned that a full review of the report is not complete yet, because the preliminary data has been reviewed in detail. Following review of the entire report and the data quality, adjustments to the risk assessment will be done, if needed.

TOCDF has developed an Environmental Assessment (EA). This EA is an Environmental Protection Agency (EPA) rule. This EA addressed the non-baseline ton container processing and munitions processing. Because this is a new operation, an EA was required. A forty-five day public comment will be held on the EA beginning next week.

Michael Brehm asked if the Division might warrant a more pro-active review and response. Mr. Gray stated that the Division staff would review the EA during the public comment period only, as they have not received an advance copy of the document to proceed.

The Tennessee Valley Authority (TVA) has assumed responsibility at the CAMDS site. TVA has been undergoing a pre-operation survey to determine if it can comply with the permit and with CAMDS standard operational procedures and protocols. Once the pre-operation survey is completed and all deficiencies are resolved, TVA will be prepared to resume hazardous waste management and closure operations at CAMDS. The timeframe on resuming operations is unknown.

Mr. Gray stated that an incident took place during Dugway's Remedial Action work. Three drums were discovered that had been buried in an old waste management area that was exposed to the surface. Dugway plans to remove the barrels and will characterize them prior to removal. The drums were suspected chemical agent drums and Dugway utilized its safety plan and had monitoring in place. Monitoring did indicate agent and the health and safety plan was utilized. Samples were collected, but the Division has not received a report on them yet. If the data comes back showing the presence of agent, those drums will be removed to a ventilation control room and will be neutralized and managed as hazardous waste.

Michael Brehm asked if the drums were isolated. Mr. Gray stated they have a setback on them and Dugway has plugged the drums where the samples were taken so no air emissions come out of the drums. Mr. Gray stated that since Dugway is already a secured facility they will not post guards, otherwise they would post guards.

IX. Election of Board Chairman and Vice-Chairman (Board Action Item)

The Statute requires the election of Board Chair and Vice-Chair annually prior to the April 1 of each year. Since no meeting was held in March, it was determined to have the election at this meeting. However, since a large number of Board members were absent, it was decided to table this item until the May 10, 2007 Board meeting.

Dennis Downs stated that William Doucette and David Cunningham's Board terms will be expiring in May. Names are currently being proposed for their replacements. In addition, four of the Board members are up for re-appointment. It is anticipated their reappointments will be confirmed in May. The statute allows Board members

to serve 90 days beyond their term expiration date. Additional updates on the re-appointments and pending new Board members will be provided during the May Board meeting.

It was moved by Dianne Nielson and seconded by William Doucette that the Board would sustain the existing officers in place effective April 1, 2007, until the Board has an opportunity to take action at the May meeting.

Michael Brehm recommended that a special email be sent-out regarding elections and if anyone was interested in serving as Board Chairman and Vice-Chairman, they express their desire prior to the May meeting. It was determined that the Board Chairman will send out the e-mail.

X. Other Business

A. DSHW Legislative Update

House Bill 221, "Timing to Commence a Civil Action by the Department of Environmental Quality" sponsored by Representative Ronda Menlove passed. This bill provides that a notice of violation, agency action, or order tolls the running of the time in which the department may commence a civil action for a penalty and negotiate a settlement. Most of the environmental programs in DEQ have such a provision in their statutes. For some reason, the Hazardous Substance Mitigation Act, the Used Oil Program and the Waste Tire Program did not have these provisions. This bill will include them, so that they will be consistent with the other UDEQ programs.

Senate Bill 76, "Electronic Device Recycling" sponsored by Senator Scott McCoy did not pass. This bill would have required the recycling of certain types of electronic devices such as monitors, televisions, etc. This bill would have also placed specific responsibilities for the collection and financial support of recycling of electronic waste on the manufacturers. This bill has been placed on the Interim Study List again this year. It is anticipated that additional discussions regarding this issue will be taking place by the Legislature, as this becomes a bigger issue nationally.

Senate Bill 207, "Waste Tire Recycling Act Revisions" sponsored by Senator Fred Fife did not pass. This bill would have modified the provisions of the Waste Tire Recycling Act related to the relocation of a tire recycling plant. The bill would have also increased the waste tire-recycling fee.

SB 155, "Waste Amendments" sponsored by Senator Darin Peterson passed. This bill exempts certain radioactive waste disposal facilities from certain approval and siting requirements. Specifically, this bill allows EnergySolutions to expand its capacity without legislative and gubernatorial approval if that expansion fits within the existing permitted boundaries for the facility.

SB 271, "Solid and Hazardous Waste Act Amendments" sponsored by Sheldon L. Killpack passed. This bill amends the Solid and Hazardous Waste Act. This bill removes the requirement that co-permittees both sign off on certain information before submitting it to the Executive Secretary. Under the bill, the land owner co-permittee does not need the consent of the non-land owner co-permittee to submit requests to the Executive Secretary. This bill also authorizes the Executive Secretary to issue enforceable written assurances, make determinations regarding corrective action; and partition real property from a permit, as well as, authorizes the Solid and Hazardous Waste Control Board to make rules. This bill specifically impacts the remedial activities that the Division is involved with at the Geneva Steel /US Steel Properties.

Michael Brehm asked what this bill means regarding the future condition of the Geneva Steel property in terms of ensuring public health, safety and welfare. Mr. Brehm also asked if this Legislation is a means to allow positive steps to go forward, and do both parties see it as positive, even though they do not agree. Dennis Downs stated that this Legislation would assist in moving things forward at a faster pace. The current owners of the property Anderson/Geneva are not interested in letting the property sit, as their intent is to develop the property, but cannot, until the cleanup is complete. Their main interest in getting the property cleaned up. Therefore, this Legislation allows them to move forward without the concurrence of U.S. Steel. A business agreement exists between U.S. Steel and Anderson Geneva, which details the shared liability of clean up. Conflicts will exist in cleaning up the site, as issues of clean up standards on various portions of the site will need to be addressed. Mr. Brehm asked if discussions have been held with all parties. Mr. Downs stated numerous discussions have taken place between Anderson Geneva and U.S. Steel regarding who is paying for cleanup, etc. Mr. Downs stated that the Division will be meeting with both parties on a regular basis to ensure the cleanup is moving forward.

DERR Legislative Update

Mr. Johnson informed the Board that Senate Bill 112, which was sponsored by Senator D. Chris Buttars and dealt with the control of the pre-cursor drugs that are used to make methamphetamine by putting them behind the counter, did pass during the Legislative Session.

Mr. Johnson then stated that House Bill 162, sponsored by Representative David Litvak regarding cleanup of contamination properties where illegal drugs had been used but not manufactured, did not pass during the session. It is anticipated that over the next several months, representatives from the Division will be meeting with various stakeholder groups to determine how to proceed with this issue.

Mr. Johnson also stated that House Bill 233, which was sponsored by Representative Mike Morley and dealt with environmentally restricting zoning districts did not pass. This bill could have impacted the Division's Superfund and UST Programs at sites where institutional controls are required.

B. Update on Field Trip to the Kennecott Groundwater Treatment System

After discussion of various logistics, it was determined that a tour of the Kennecott Groundwater Treatment System, not the Jordan Valley Water Conservancy District, will be held in conjunction with the May 10, 2007, Board meeting. The tour of the facility will begin at 9:30 a.m. and transportation will be available if Board members choose not to take their personal vehicles. Lunch will also be provided for the Board members. The final logistics concerning the tour will be provided to the Board in early May.

C. Misc. information Items

Discussion took place regarding the Board meeting schedule during the summer. Typically, the Board does not meet in July or August. Board members were asked to review their schedules and report their preference at the next meeting.

The next Board meeting will be held on May 10, 2007, at 1:00 p.m. in the DEQ Building #2, Conference Room 101.

XI. Adjourn

The meeting adjourned at 2:34:48 p.m.